

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>Jane Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>Carleton College,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil No. 0:24-cv-2300 (DWF/SGE)</p> <p style="text-align: center;">ORDER REQUIRING PRODUCTION OF DISCOVERABLE NON-PARTY STUDENT INFORMATION</p>
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Plaintiff Jane Doe asserts claims against Defendant Carleton College as described in the Amended Complaint. This Order relates to a discovery issue that the parties have discussed and is embraced in their Joint Motion for Protective Order Requiring Production of Discoverable Non-Party Student Information. (Dkt. 36.)

In general, the Family Educational Rights and Privacy Act (“FERPA”) prohibits an “educational institution” such as Defendant from disclosing a student or former student’s “education records” to anyone other than the student or former student without a signed and dated written consent. 34 C.F.R. §§ 99.30(a), (b). FERPA and its implementing regulations define “education records” broadly; they can include personally identifiable information about a student or former student “recorded in any way, including . . . handwriting, print, computer media, video or audio tape . . .” and other media. See 34 C.F.R. §§ 99.2-3 (defining “Education Records,” “Personally Identifiable Information,” and “Record”).

To the extent FERPA forbids Defendant from disclosing “education records” of non-party students in discovery in this action, the parties request issuance of an order requiring that education records that are within the scope of discovery must be produced. FERPA authorizes disclosure of education records without the consent of a student if disclosure is made to “comply with a judicial order.” 34 C.F.R. § 99.31(a)(9)(i). Pursuant to this regulation, Defendant must, before disclosing such records, make a “reasonable effort to notify the . . . student of the order . . . in advance of compliance, so that the . . . student may seek protective action.” 34 C.F.R. § 99.31(a)(9)(ii).

ORDER

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Carleton College shall disclose to Plaintiff those “education records” of non-party students (including former students) that are otherwise discoverable in this action under the Federal Rules of Civil Procedure;
2. Defendant Carleton College will make reasonable efforts to notify affected students (including former students) in advance of any disclosure required under this Order;
3. Any disclosure pursuant to this Order shall be subject to the governing Protective Order in this action (and any amendments thereto) governing the designation and disclosure of confidential information; and

4. Defendant Carleton College's disclosure of education records covered by this Order to Plaintiff and her counsel shall be deemed required by federal court order.

IT IS SO ORDERED.

Dated: March 17, 2025

s/ Shannon G. Elkins
Shannon G. Elkins
United States Magistrate Judge